



Docket No.: 241514US3

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/647,309
Applicants: Makoto HIDAKA, et al.
Filing Date: August 26, 2003
For: SHEET FEEDING APPARATUS, SHEET
CONVEYING APPARATUS, AND IMAGE
READING APPARATUS
Group Art Unit: 3653
Examiner: MORRISON, T.A.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION OF SPECIES

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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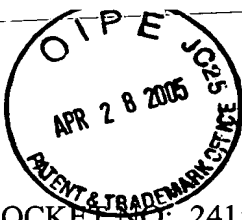
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MAKOTO HIDAKA, ET AL. : EXAMINER: MORRISON, T. A.
SERIAL NO: 10/647,309 :
FILED: AUGUST 26, 2003 : GROUP ART UNIT: 3653
FOR: SHEET FEEDING APPARATUS, :
SHEET CONVEYING APPARATUS, AND
IMAGE READING APPARATUS

PROVISIONAL ELECTION OF SPECIES

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SIR:

In response to the Election of Species requirement mailed on April 7, 2005, applicants elect, with traverse, the invention of Species I, Figure 12. Claims 1-4, 8, 9, 11, 12, 15, 19, 20, 22-25, and 27 are readable on the elected species.

Applicants traverse the outstanding Election of Species requirement on the grounds that it has not been established that it would be an undue burden to examine each of the noted inventions and claims together.

Under M.P.E.P. 803, an election requirement is not proper if a search and examination can be made without a serious burden on the examiner.

MPEP 803 specifically states:

Restriction – When Proper

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

GUIDELINES

[A] serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02.

The Election of Species requirement has not established, by appropriate (or any) explanation, that examining each of the claims would result in an undue burden. Accordingly, Applicants respectfully request that each of the noted inventions and claims be examined on their merits. Alternatively, Applicants request a *prima facie* showing that a search and examination cannot be made of the entire application without a serious burden.

Respectfully submitted,

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